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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,349	08/29/2001	Frank J. Mannuzza	P-5178	7095

26253 7590 04/10/2003

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EXAMINER
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GITOMER, RALPH J

ART UNIT	PAPER NUMBER
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1651

DATE MAILED: 04/10/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/942,349

Applicant(s)

Mannuzza et al.

Examiner

Ralph Gitomer

Art Unit

1651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Mar 4, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 6) ☐ Other: \_\_\_\_\_

Applicant's election without traverse of Group I, claims 1-7, in Paper No. 6 is acknowledged. Please update the specification regarding the priority claimed.

5           On page 7 of the specification, the sucrose in the composition of the invention prevents the crystallization of the salt allowing a more uniform distribution of both salts and protein on the upper surface of the membrane resulting in even distribution of invaded cells. On page 5 the diluent is shown to  
10 contain sucrose. These features are free of the art.

Claims 1-7 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant  
15 regards as the invention. Each of the following applies in all occurrences.

In claim 1(b) the composition is derived from a source but what the composition may be has not been set forth. For example, water could be derived from the tumor which would mean claim 1  
20 reads on a wet membrane.

The title of the invention is not aptly descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following prior art pertinent to applicant's disclosure is made of record and not relied upon:

Kleinman (4,829,000) teaches basement membrane without polyols.

Langley (5,714,465) teaches basement membranes.

5 Badylak (6,087,157) teaches tumor cell invasion matrices.

Bouchara (Colloids and Surfaces) teaches adherence to membranes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ralph  
10 Gitomer whose telephone number is (703) 308-0732. The examiner  
can normally be reached on Tuesday-Friday from 8:00 am - 5:00 pm.  
The examiner can also be reached on alternate Mondays. If  
attempts to reach the examiner by telephone are unsuccessful, the  
examiner's supervisor, Michael Wityshyn can be reached on (703)  
15 308-4743. The fax phone number for this Art Unit is (703) 308-  
4556. Any inquiry of a general nature or relating to the status  
of this application should be directed to the Group receptionist  
whose telephone number is (703) 308-1235. For 24 hour access to  
patent application information 7 days per week, or for filing  
20 applications electronically, please visit our website at  
www.uspto.gov and click on the button Patent Electronic Business  
Center for more information.

*R. Gitomer*

Ralph Gitomer  
Primary Examiner  
Group 1651

RALPH GITOMER  
PRIMARY EXAMINER  
GROUP 1200